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Attorneys for Defendant  
Otto Trucking LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto  
Trucking LLC,

Defendants

Case No. 3:17-cv-00939-WHA

**DECLARATION OF NEEL CHATTERJEE  
IN SUPPORT OF OTTO TRUCKING'S  
OPPOSITION TO WAYMO'S MOTION  
TO EXCLUDE OTTO TRUCKING'S  
DAMAGES EXPERT JAMES  
MALACKOWSKI PURSUANT TO RULE  
702 AND DAUBERT**

Date: September 27, 2017  
Time: 8:00 a.m.  
Courtroom: 8 (19th Floor)  
Judge: Hon. William Alsup  
Trial: October 10, 2017

Filed/Lodged Concurrently with:  
1. Defendant's Opposition

1 I, NEEL CHATTERJEE, declare:

2 1. I am a partner with the law firm Goodwin Procter LLP. I am a member in good  
3 standing of the Bar of the State of California and the Bar of this Court. I make this declaration  
4 based on personal knowledge and, if called as a witness, I could and would testify competently to  
5 the matters set forth herein. I make this declaration in support of Otto Trucking's Opposition to  
6 Waymo's Motion to Exclude Otto Trucking's Damages Expert James Malackowski Pursuant to  
7 Rule 702 and *Daubert*.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the expert  
9 report of James E. Malackowski.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the rough  
11 deposition transcript of Michael J. Wagner, dated September 22, 2017.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is  
13 true and correct. Executed this 22nd day of September, 2017 in Menlo Park, California.

14  
15 /s/ Neel Chatterjee  
16 NEEL CHATTERJEE  
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